



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,230	04/04/2001	Jonathan Bricklin	DATE-0003	2482

23377 7590 12/14/2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,230

Applicant(s)

BRICKLIN ET AL.

Examiner

Adnan M. Mirza

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36,39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (U.S. 2002/019404), Hanson et al (U.S. 6,691,153) and Oliver Michael (U.S. 6,480,885).

As per claim 1,15,29,33 Boyd disclosed a method for facilitating a chat service from a web site, the web site consisting of web pages and executable program routines stored on an http server, the http server coupled via a computer network to a plurality of subscriber computers each operated by at least one of the subscribers, the method comprising: a. transmitting a web page to one of the subscriber computers (Page. 3, Pg. 0031), the web page including a hypertext link corresponding to a chat environment facilitating communication among chat participants, the web page also including an indication of the extent to the which the chat participants using the chat environment are compatible with user of the one of the subscriber computers (Page. 7, pg. 0076-0077); b. receiving a request for the chat environment from the one of the subscriber computers (Page. 7, pg. 0075); c. causing the chat environment to be generated on the one of the subscriber computers, the chat environment depicted as a chat environment on a display device associated with the one of the subscriber computers when processed by an application program operating on the one of the subscriber computers (Page. 5, pg. 0048), d. facilitating the

Art Unit: 2145

establishment of a connection between the one of the subscriber computers and a chat server such that the one of the subscriber computers is logged onto a chat a channel corresponding to the generated chat environment (Pg. 7, pg. 0079).

Boyd did not disclose in detail the depicted chat environment including an area for chat messages, a plurality screen images, each one of the plurality of screen images associated with a corresponding one of the chat participant, and a plurality of compatibility indicator sets.

In the same field of endeavor Hanson disclosed the image server may be implemented using a web server (servlet). The image server takes information from hypertext Transfer Protocol (HTTP) requests from the participants 1-4 and translates the information using predefined schemes into human viewable images that are eroded in a format compatible with know web browsers. The image server may be configured separately from the web server (col. 8, lines 43-50).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the image server may be implemented using a web server (servlet). The image server takes information from hypertext Transfer Protocol (HTTP) requests from the participants 1-4 and translates the information using predefined schemes into human viewable images that are eroded in a format compatible with know web browsers. The image server may be configured separately from the web server as taught by Hanson in the method of Boyd to provide additional navigation and set-up of non-proprietary participants. Additionally,

Art Unit: 2145

participants may not be able to effectively communicate when the group becomes too large and it becomes more costly (Hanson, col. 2, lines 21-26).

However Boyd-Hanson-Olivier did not disclose in detail “each one of the compatibility indicator sets including a friendship indicator and a relationship indicator associated with a corresponding one of the chat participants.

In the same filed of endeavor Olivier disclosed, “a two-way match process is used in which two match calculations are made. A two-way match, sometimes referred to as a mutual match, is when a user X’s acceptance criteria data matches a user Y’s user profile data, and user Y’s acceptance criteria data matches user X’s user profile data. In this alternative embodiment, in addition to the match calculation described above, the system also calculates the degree to which each other subscriber’s user profile data meets the subscriber’s user profile acceptance criteria data. These calculations are combined into one summary calculation” (col. 11, lines 24-34).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated a two-way match process is used in which two match calculations are made. A two-way match, sometimes referred to as a mutual match, is when a user X’s acceptance criteria data matches a user Y’s user profile data, and user Y’s acceptance criteria data matches user X’s user profile data. In this alternative embodiment, in addition to the match calculation described above, the system also calculates the degree to which each other subscriber’s user profile data meets the subscriber’s user profile acceptance criteria data. These

Art Unit: 2145

calculations are combined into one summary calculation as taught by Olivier in the method of Boyd-Hanson-Olivier to improve compatibility feature based on dynamically matching users for high quality interactions within a group forum by establishing individual user profile data and acceptance criteria data for restricting interaction.

3. As per claims 2,16 Boyd-Hanson-Olivier disclosed wherein the request includes a chat room number where the chat environment and chat channel correspond to the chat room number (Boyd, Page. 10, Pg. 0117).

4. As per claims 3,17 Boyd-Hanson-Olivier disclosed wherein the hypertext link is incorporated in an image map, the image map being incorporated in the web page (Hanson, col. 7, lines 41-53).

5. As per claims 4,18 Boyd-Hanson-Olivier disclosed wherein the image map is depicted as a button on the display device when processed by the web browser (Boyd, Page. 10, Pg. 0117)).

6. As per claims 5,19 Boyd-Hanson-Olivier disclosed where the chat room number corresponds to one of a plurality of chat room identifiers, the plurality of chat room identifiers stored in a database connected to the http server (Boyd, Page. 10, Pg. 0117).

7. As per claims 6,20 Boyd-Hanson-Olivier disclosed wherein the chat room identifiers are organized in the database in a hierarchy of lobbies and sub-lobbies (Boyd, Page. 10, Pg. 0117).

8. As per claims 7,21 Boyd-Hanson-Olivier disclosed wherein the lobbies correspond to stored topic of conversation data (Hanson, col. 11, lines 49-59).
9. As per claims 8,22 Boyd-Hanson-Olivier disclosed wherein the sub-lobbies each correspond to sub-topic of conversation data, the sub-topic of conversation data corresponding to the topic of conversation data of one of the lobbies (Hanson, col. 11, lines 49-59).
10. As per claims 9,23 Boyd-Hanson-Olivier disclosed wherein each one of the compatibility indicator sets comprise a friendship indicator and a relationship indicator (Boyd, Page. 3, Pg. 0026).
11. As per claims 10,24 Boyd-Hanson-Olivier disclosed further comprising the step of determining the friendship indicator by comparing retrieved profile data for a user corresponding to the one of the subscriber computers with retrieved profile data for the corresponding chat participant (Boyd, Page. 6, Pg. 0067).
12. As per claims 11,25 Boyd-Hanson-Olivier disclosed wherein the retrieved profile data comprises data reflecting specified areas of interest (Boyd, Page. 6, Pg. 0067).
13. As per claims 12,26 Boyd-Hanson-Olivier disclosed further comprising the step of determining the friendship indicator by checking retrieved profile data for a user corresponding

Art Unit: 2145

to the one of the subscriber computers and retrieved profile data for the corresponding chat participant to determine whether the user and chat participant share an area of interest combination (Boyd, Page. 6, Pg. 0067).

14. As per claims 13,27 Boyd-Hanson-Olivier disclosed further comprising; the step of determining the relationship indicator by comparing retrieved profile data for a user corresponding to the one of the subscriber computers with retrieved profile data for the corresponding chat participant (Boyd, Page. 6, Pg. 0059).

15. As per claims 14,28 Boyd-Hanson-Olivier disclosed wherein the retrieved profile data comprises data reflecting qualities desired in a mate (Boyd, Page 6, Pg. 0069-0070).

16. As per claims 30,34 Boyd-Hanson-Olivier disclosed wherein the retrieved profile data comprises data reflecting specified areas of interest (Boyd, Page. 6, Pg. 0065).

17. As per claims 31,35 Boyd-Hanson-Olivier disclosed wherein the retrieved profile data comprises data reflecting qualities desired in a mate (Boyd, Page. 6, Pg. 0065).

18. As per claims 32,36 Boyd-Hanson-Olivier disclosed wherein the step of determining a compatibility value for each one of the plurality of chat channels in relation to a user subscriber also comprises using area of interest combination data (Boyd, Page. 6, Pg. 0065-0067).

Art Unit: 2145

19. As per claims 39-41 Boyd-Hanson-Olivier disclosed a server having a web site comprised of web pages and chat environments stored thereon, the server coupled to a plurality of client computers, the web site serving the subscriber community having a plurality of members, the web pages being accessible to the plurality of members, the server comprising: a. a central processing unit with associated memory; b. a chat environment software element comprising instructions residing in the memory, that when executed by the central processing unit, functions to: i. Retrieve profile data for a plurality of chat participants, each one of the chat participants being logged onto one of a plurality of chat channels (Hanson, col. 6, lines 51-65); ii. Determine a compatibility value for each one of the plurality of chat channels in relation to a user subscriber using the retrieved profile data; iii. Determine a one of the plurality of chat channels having an optimal compatibility value; iv. Transmit a chat environment corresponding to the one of the plurality of chat channels to one of the client computers; and v. facilitate the establishment of a connection between the one of the client computers and a chat server such that one of the client computers is logged onto the one of the plurality of chat channels (Boyd, Page. 6, pg. 0065-0067); and c. a virtual data software element comprising instructions residing in the memory, which when executed by the central processing unit, i. Transmit a chat environment to first of the client computers, the depicted chat environment including an area for chat messages; ii. Transmit a copy of the chat environment to a second of the client computers; iii. Facilitate the establishment of a connection between the first of the client computers and a chat server that the first of the client computers is logged onto a private chat channel (Boyd, Page. 6, Pg. 0060, 0067).

Response to Arguments

Response to applicant's argument are as follows:

During the personal interview Examiner noted Applicant's argument pertain to the independent claims and suggestions to the claim language. Examiner informed the applicant the suggestions to the claim language still needed to be search against the prior art.

Applicant argued that prior art did not disclose, "each one of the compatibility indicator sets including a friendship indicator and a relationship indicator associated with a corresponding one of the chat participants".

As to applicant's argument Oliver disclosed, "a two-way match process is used in which two match calculations are made. A two-way match, sometimes referred to as a mutual match, is when a user X's acceptance criteria data matches a user Y's user profile data, and user Y's acceptance criteria data matches user X's user profile data. In this alternative embodiment, in addition to the match calculation described above, the system also calculates the degree to which each other subscriber's user profile data meets the subscriber's user profile acceptance criteria data. These calculations are combined into one summary calculation" (col. 11, lines 24-34). One ordinary skill in the art at the time of the invention interpreted the compatibility indicator sets a user's profile database where the friendship indicator and relationship indicator as user's compatibility preferences or criteria to meet their acceptance or compatibility.

Art Unit: 2145

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

9. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

JASON CARDONE
SPE 2145